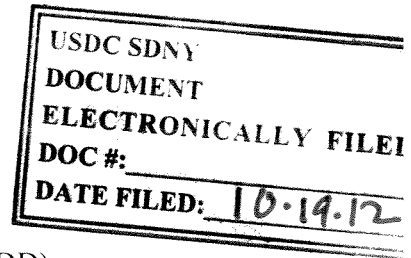


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X	
In re	: Chapter 11
Hostess Brands, Inc., <i>et al.</i> , <sup>1</sup>	: Case No. 12-22052 (RDD)
Debtors.	: (Jointly Administered)
-----X	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:
Appellants,	:
-against-	: Case No. 7:12-cv-07324- <del>VB</del> VB
BAKERY & SALES DRIVERS LOCAL	:
NO. 33 INDUSTRY PENSION FUND,	:
Appellee.	:
-----X	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:
Appellants,	: Case No. 7:12-cv-07325-VB
-against-	:
BAKERY DRIVERS LOCAL 550 AND	:
INDUSTRY PENSION FUND,	:
Appellee.	:
-----X	

<sup>1</sup> The Debtors are the following six entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): Hostess Brands, Inc. (0322), IBC Sales Corporation (3634), IBC Services, LLC (3639), IBC Trucking, LLC (8328), Interstate Brands Corporation (6705) and MCF Legacy, Inc. (0599).

-----X	:	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:	
	:	
Appellants,	:	Case No. 7:12-cv-07326- <del>RMK</del> VB
	:	
-against-	:	
	:	
CENTRAL PENSION FUND,	:	
	:	
Appellee.	:	
-----X	:	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:	
	:	
Appellants,	:	Case No. 7:12-cv-07327-VB
	:	
-against-	:	
	:	
I.A.M. NATIONAL PENSION FUND,	:	
	:	
Appellee.	:	
-----X	:	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:	
	:	
Appellants,	:	Case No. 7:12-cv-07328- <del>RMK</del> VB
	:	
-against-	:	
	:	
IUOE STATIONARY ENGINEERS LOCAL 39	:	
PENSION TRUST FUND,	:	
	:	
Appellee.	:	
-----X	:	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:	
	:	
Appellants,	:	Case No. 7:12-cv-07329- <del>RMK</del> VB
	:	
-against-	:	
	:	
AUTOMOBILE MECHANICS' LOCAL 701	:	
UNION AND INDUSTRY PENSION FUND,	:	
	:	
Appellee.	:	
-----X	:	

-----X	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:
	:
Appellants,	:
	:
-against-	:
	:
TRUSTEES OF THE RWDSU AND	:
INDUSTRY PENSION FUND,	:
	:
Appellee.	:
-----X	
HOSTESS BRANDS, INC., <i>et al.</i> ,	:
	:
Appellants,	:
	:
-against-	:
	:
UNITED FOOD AND COMMERCIAL	:
WORKERS UNIONS AND EMPLOYERS	:
MIDWEST PENSION FUND,	:
	:
Appellee.	:
-----X	
I.A.M. NATIONAL PENSION FUND,	:
	:
Appellant,	:
	:
-against-	:
	:
HOSTESS BRANDS, INC., <i>et al.</i> ,	:
	:
Appellees.	:
-----X	

Case No. 7:12-cv-07330-~~es~~ VB

Case No. 7:12-cv-07331-~~KMK~~ VB

Case No. 7:12-cv-07431-VB

-----X	
RETAIL, WHOLESALE AND DEPARTMENT	:
STORE INTERNATIONAL UNION AND	:
INDUSTRY PENSION FUND,	:
	:
Appellant,	:
	:
-against-	:
	:
HOSTESS BRANDS, INC., <i>et al.</i> ,	:
	:
Appellees.	:
-----X	

Case No. 7:12-cv-07433-~~CS~~ VB

**ORDER GRANTING JOINT MOTION TO  
CONSOLIDATE APPEALS AND ESTABLISH A COMMON BRIEFING SCHEDULE**

This matter coming before the Court on the motion (the “Motion”),<sup>2</sup> filed by Hostess Brands, Inc. and five of its affiliates as debtors and debtors in possession (collectively, the “Debtors”) in the jointly administered chapter 11 cases pending as Case No. 12-22052 (RDD) for an order (a) consolidating the Appeals styled as: (i) *Hostess Brands, Inc., et al., v. Bakery & Sales Drivers Local No. 33 Industry Pension Fund* (No. 7:12-cv-07324-ER); (ii) *Hostess Brands, Inc., et al., v. Bakery Drivers Local 550 and Industry Pension Fund* (No. 7:12-cv-07325-VB); (iii) *Hostess Brands, Inc., et al., v. Central Pension Fund* (No. 7:12-cv-07326-KMK); (iv) *Hostess Brands, Inc., et al., v. I.A.M. National Pension Fund* (No. 7:12-cv-07327-VB); (v) *Hostess Brands, Inc., et al., v. IUOE Stationary Engineers Local 39 Pension Trust Fund* (No. 7:12-cv-07328-ER); (vi) *Hostess Brands, Inc., et al., v. Automobile Mechanics’ Local 701 Union and Industry Pension Fund* (No. 7:12-cv-07329-KMK); (vii) *Hostess Brands, Inc., et al., v. Trustees of the RWDSU and Industry Pension Fund* (No. 7:12-cv-07330-CS); (viii) *Hostess Brands, Inc., et al., v. United Food and Commercial Workers Unions and Employers Midwest*

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

*Pension Fund* (No. 7:12-cv-07331-KMK); (ix) *I.A.M. National Pension Fund v. Hostess Brands, Inc., et al.* (No. 7:12-cv-07431-VB); and (x) *Retail, Wholesale and Department Store International Union and Industry Pension Fund v. Hostess Brands, Inc., et al.* (No. 7:12-cv-07433-CS) and (b) establishing a common briefing schedule; the Court having reviewed the Motion; the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, (ii) venue is proper in this Court pursuant to 28 U.S.C. § 1391 and (iii) notice of the Motion was sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion establish good cause for the relief granted herein;


IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The above-captioned Appeals are hereby consolidated. The Appeals shall proceed under a single case number, 12 CV 7324 (VB). All documents shall be filed under this number. ✓
3. The following schedule shall govern briefing in the Appeals:
  - November 5, 2012: Deadline to File, as applicable, the Debtors-Appellants' Consolidated Opening Brief and the Pension Plans-Appellants' Opening Briefs.
  - December 3, 2012: Deadline to File, as applicable, the Debtors-Appellees' Consolidated Response Brief and the Pension Plans-Appellees' Response Briefs.
  - December 17, 2012: Deadline to File, as applicable, the Debtors-Appellant's Consolidated Reply Brief and the Pension Plans-Appellants' Reply Briefs.
4. This Court shall retain jurisdiction to resolve all matters relating to, or arising in connection with, the interpretation and/or implementation of this Order.

SO ORDERED:

Dated: White Plains, New York

10/19, 2012 ✓

  
UNITED STATES DISTRICT JUDGE ✓